

REMARKS

The Office Action dated June 26, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

By this Response, claims 15-28 have been cancelled without prejudice or disclaimer. Claims 43-56 have been added. No new matter has been added. Support for the above amendments is provided in the Specification at least on page 18, line 10, to page 19, line 2, and in Figure 6. Accordingly, claims 1-14 and 29-56 are currently pending in the application, of which claims 1, 29, and 42-43 are independent claims.

In view of the above amendments and the following remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections to the claims for the reasons discussed below.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-13, 15-27, 29-40, and 42

The Office Action rejected claims 1-13, 15-27, 29-40, and 42 under 35 U.S.C. §103(a) as being allegedly unpatentable over Takeda, *et al.* (U.S. Patent No. 7,286,520) (“Takeda”). Applicants respectfully traverse these rejections for at least the following reasons.

Applicants respectfully submit that the Office Action failed to establish a *prima facie* case of obviousness to reject claims 1-13, 15-27, 29-40, and 42 under 35 U.S.C. §103(a) based on the teachings of Takeda.

Takeda is not a proper reference to reject claims 1-13, 15-27, 29-40, and 42 under 35 U.S.C. §103(a) because it does not antedate the priority date of the present application. Takeda's earliest possible effective filing date is **July 10, 2003**. Whereas, the present application claims the benefit of priority to Provisional Patent Application Serial No. 60/449,432, filed on February 25, 2003. A claim of priority was filed on November 25, 2003, and has been properly perfected. Therefore, the effective filing (and priority) date of the present application is **February 25, 2003**. Therefore, Takeda is not a proper reference to reject the pending claims under 35 U.S.C. §103(a) because it does not antedate the priority date of the present application.

Accordingly, the Office Action failed to establish a *prima facie* case of obviousness to reject claims 1-13, 15-27, 29-40, and 42 under 35 U.S.C. §103(a) based on the teachings of Takeda, and the rejections must be withdrawn, since the rejections cannot stand without Takeda.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-13, 15-27, 29-40, and 42 under 35 U.S.C. §103(a) and respectfully submit that claims 1, 29, and 42-43, and the claims that depend therefrom, are in condition for allowance.

Claims 14, 28, and 41

The Office Action rejected claims 14, 28, and 41 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over Takeda in view of Chang, *et al.* (U.S. Patent No. 7,269,647) (“Chang”). Applicants respectfully traverse these rejections for at least the reason that Takeda is not prior art and the rejection cannot stand without Takeda.

Therefore, Applicants respectfully request withdrawal of the rejections of claims 1-14, 28, and 41 under 35 U.S.C. §103(a) and respectfully submit that claims 1 and 29, and the claims that depend therefrom, are in condition for allowance.

CONCLUSION

In conclusion, Applicants respectfully submit that the Office Action failed to substantiate a *prima facie* case of obviousness to reject claims 1-14 and 29-56 and under 35 U.S.C. §103(a) based on the teachings of Takeda and Chang. It is therefore respectfully requested that all of claims 1-14 and 29-56 be allowed, and this present application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants’ undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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